

Estate of Roger Owensby vs. City of Cinti.
October 17, 2003

PATRICK E. CATON

UNITED STATES DISTRICT COURT

1

SOUTHERN DISTRICT OF OHIO

WESTERN DIVISION

ESTATE OF ROGER D. :
OWENSBY JR., et al., :
:
Plaintiffs, :
vs. : Case No. 01-CV-769
: (Judge S. A. Spiegel)
CITY OF CINCINNATI, :
et al., :
:
Defendants. :

Videotaped deposition of PATRICK EDMUND

CATON, a defendant herein, called by the plaintiffs
for cross-examination, pursuant to the Federal Rules
of Civil Procedure, taken before me, Wendy Davies
Welsh, a Registered Diplomate Reporter and Notary
Public in and for the State of Ohio, at the offices
of Helmer, Martins & Morgan Co. LPA, 1900 Fourth &
Walnut Centre, 105 East Fourth Street, Cincinnati,
Ohio, on Friday, October 17, 2003, at a.m.

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PATRICK E. CATON

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1 STIPULATIONS	Page 4
2 It is stipulated by and among counsel for the	
3 respective parties that the deposition of PATRICK	
4 EDMUND CATON, a defendant herein, called by the	
5 plaintiffs for cross-examination, pursuant to the	
6 Federal Rules of Civil Procedure, may be taken at	
7 this time by the notary; that said deposition may be	
8 reduced to writing in stenotype by the notary, whose	
9 notes may then be transcribed out of the presence of	
10 the witness; and that proof of the official	
11 character and qualifications of the notary is	
12 expressly waived.	
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14 - - -	
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24	

1 APPEARANCES (Continued):	Page 3
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18 Mrs. Brenda Owensby	
19 Mr. Shawn Owensby	
20 Victor N. Spellen	
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24	

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1 Q. What do you recall?		1 your deposition taken in any other case?	
2 A. It was a matter of a Terry stop with		2 A. No, I have not.	
3 regard to a drug investigation. Mr. Smiley was		3 Q. As you've probably heard me say with the	
4 asked to be seated on the ground. He refused. He		4 other people that have been deposed, I will be	
5 was told that he'd be placed under arrest if he		5 asking you questions, such as we've been doing, and	
6 didn't sit down on the ground. He continued to		6 if you have any questions or you haven't heard the	
7 refuse. Officer George walked up to make contact		7 question, ask me to repeat or to clarify the	
8 with him, at which time Mr. Smiley punched Officer		8 question. Do you understand that?	
9 George in the face.		9 A. I understand.	
10 Q. What happened after that?		10 Q. And if you give an answer to the question,	
11 A. A struggle ensued. Mr. Smiley was placed		11 I'm going to assume that you heard the question and	
12 in custody and arrested and transported to 2020		12 understood the question.	
13 Juvenile Hall.		13 A. I understand.	
14 Q. I'm sorry. I missed the last part.		14 Q. Is that fair?	
15 Transported to?		15 A. That's fair.	
16 A. 2020 Juvenile Hall.		16 Q. All right. Are you under any physical or	
17 Q. How old was Mr. Smiley?		17 mental impairment that would cause you not to	
18 A. I think at the time he was about 16 or 17		18 understand my questions or give truthful answers to	
19 years of age.		19 my questions?	
20 Q. Where did this take place?		20 A. No, I am not.	
21 A. In Corryville.		21 Q. Taking any medication?	
22 Q. Do you know the streets or the location in		22 A. No, I'm not.	
23 Corryville?		23 Q. When did you first realize that Roger	
24 A. I believe it's the Van Street lot		24 Owensby Jr. was dead?	
	Page 11		Page 13
1 behind -- it's a group of businesses just east of on		1 A. When Sergeant Julie Shearer got into the	
2 Short Vine.		2 cruiser with me to transport me to CIS, I asked her	
3 Q. Were you involved in the struggle that		3 if this guy was going to make it. And her response	
4 ensued?		4 was, "I believe he's already two seven," indicating	
5 A. I was.		5 that he had passed.	
6 Q. And what, if anything, did you do in the		6 Q. You assisted in removing Mr. Owensby from	
7 struggle?		7 the Golf Manor cruiser, correct?	
8 A. I aided in handcuffing and I -- I think I		8 A. That is correct.	
9 Maced him during the struggle.		9 Q. And as a result of that, you and Officer	
10 Q. Did you strike him?		10 Hasse attempted to resuscitate Mr. Owensby, using	
11 A. No.		11 CPR?	
12 Q. Was Mr. Smiley -- other than the Macing,		12 A. That is correct.	
13 was he physically injured as a result of the arrest?		13 Q. At the time that you and Officer Hasse	
14 A. Not that I recall.		14 were employing CPR, Mr. Owensby was still	
15 Q. Was he bleeding?		15 handcuffed, correct?	
16 A. Not that I recall.		16 A. That is correct.	
17 Q. Was there a Cincinnati Police Department		17 Q. And you did not remove the handcuffs at	
18 disciplinary proceeding as a result of this		18 that time?	
19 incident?		19 A. No, not until Fire arrived.	
20 A. No, there was not.		20 Q. And you took or attempted to take his	
21 Q. Is Mr. Smiley an African American?		21 pulse on his wrist; is that right?	
22 A. Yes, he is.		22 A. No. I attempted to take his pulse at his	
23 Q. Other than the deposition on Mr. Smiley's		23 neck.	
24 case against the City of Cincinnati, have you had		24 Q. At his neck?	

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1	A. That is correct.	1 When Fire arrived, he immediately -- I -- I can't
2	Q. And was there a pulse?	2 remember the technical term he used. It was -- he
3	A. I couldn't find one.	3 referenced, "We need the suction device off the
4	Q. Did Officer Hasse try to take his pulse at	4 truck to clear his airway."
5	his wrist?	5 Q. Had you received training as a Cincinnati
6	A. I -- I don't think he could. No, I would	6 police officer in conducting CPR in circumstances
7	say no, because his hands were underneath him at --	7 such as this?
8	at that point. Officer Hasse was also -- had to use	8 A. Once.
9	both hands to use the -- the rescue breathing mask	9 Q. When?
10	that was supplied by a Golf Manor officer.	10 A. Received about four hours of training at
11	Q. Did Officer Hasse say anything to you	11 the academy in 1997.
12	concerning the condition of Mr. Owensby at that	12 Q. No follow-up training?
13	time?	13 A. No.
14	A. Well, while we were giving him CPR, like I	14 Q. Had anyone ever instructed you that in
15	said, his hands had to be on the mask in order to	15 order to do CPR, the handcuffs had to be removed
16	employ it. And I basically did all the manipulation	16 from the suspect so that his arms were not behind
17	of Mr. Owensby to get him in the proper position,	17 his back?
18	and the chest compressions. During the -- and --	18 A. No. What I was instructed is that his
19	and periodically taking his pulse through the	19 back and shoulders must be flat on the ground in
20	incident.	20 order to do chest -- chest compressions correctly.
21	At one point Officer Hasse, who is EMT	21 And I believed at that time they were.
22	trained, said -- asked me if air was going into his	22 Q. What has to be flat on the ground?
23	lungs or going into his stomach.	23 A. His back -- his back and shoulders.
24	And I said, "How do you tell?"	24 Q. Now, when the fire rescue unit arrived --
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1	And he says, "Is his chest rising and	1 well, let me ask you, where were they from?
2	falling or is his stomach rising and falling?" And	2 A. I don't know what fire unit responded.
3	when he gave two rescue breaths, I -- I observed his	3 Q. Okay. In any event, when they arrived,
4	stomach rising and falling.	4 one of the first things that you and Officer Hasse
5	He then said, "That means something's	5 were told to do was to remove the handcuffs from Mr.
6	blocking his throat," at which point I repositioned	6 Owensby, correct?
7	Mr. Owensby's head with a chin tilt and attempted to	7 A. That's correct.
8	physically clear his airway. At that point I	8 Q. Let me ask you, when did you first realize
9	couldn't find anything, and we began the rescue	9 that Roger Owensby was injured?
10	breathing and CPR again.	10 A. What -- what kind of injury are we talking
11	Q. When you say "couldn't find anything,"	11 about?
12	there was no obstruction as far as his --	12 Q. Any injury that requires some medical
13	A. I can only reach as deep as the back of	13 attention.
14	his mouth.	14 A. Medical assistance. Okay. When Sergeant
15	Q. Right. And you -- you found no	15 Watts and I approached the cruiser afterwards to get
16	obstruction?	16 information from Mr. Owensby, Sergeant Watts opened
17	A. I -- I couldn't find an obstruction at --	17 the cruiser door and made a statement to the effect
18	from -- at that point.	18 of, Pat, I don't think he's breathing.
19	Q. Had you --	19 And that's when I looked in, and he was in
20	A. Officer --	20 a real awkward position at that point. And I looked
21	Q. I'm sorry.	21 up, saw Officer Hasse standing on the other side of
22	A. I'm sorry. I was going to continue.	22 the Golf Manor cruiser at that point. And realizing
23	Officer Hasse believed that there was something	23 that he's EMT trained, I said, "Have you got any
24	obstructing his airway at that point and called.	24 rubber gloves?"

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1	He said, "Yeah."	1	A. That's correct.
2	We gloved up, and Sergeant Watts said,	2	Q. And when you were doing that, were you
3	"Get him out of the car." And Officer Hasse and I	3	looking at him?
4	removed him from the car.	4	A. At his feet.
5	Q. Is that the first time you realized that	5	Q. Not at his face?
6	Roger Owensby was injured?	6	A. No.
7	A. That's correct.	7	Q. When you put him into the cruiser, as I
8	Q. Well, you knew before you placed him in	8	understand it, Officer Sellers put him in the
9	the car that he had been Mace'd, right?	9	cruiser from the rear passenger door and you went
10	A. That's correct.	10	around to the driver passenger door and crawled in,
11	Q. And isn't it true that the standard for	11	grabbed him by the shoulders and pulled him toward
12	care of someone who has been Mace'd is to provide	12	you; is that right?
13	them with water and fresh air?	13	A. Well, that's a much shortened version of
14	A. That is correct.	14	it, but that's essentially correct.
15	Q. And that was not provided?	15	Q. And when you pulled Mr. Owensby into the
16	A. I wouldn't consider that an injury.	16	cruiser toward you, weren't you face to face with
17	Q. What do you consider someone having been	17	him?
18	Mace'd?	18	A. No, I wouldn't say face to face. My head
19	A. An irri-- it's an irritation. It's a	19	was ducked and it was very dark inside the cruiser.
20	device used to irritate and cause pain. It doesn't	20	Mr. Owensby was a little more than a shadow to me at
21	cause injury.	21	that point.
22	Q. Okay. Well, in any event, you knew that	22	Q. The cruiser was parked next to a gas
23	he had been Mace'd, you knew that the standards were	23	island?
24	to provide water and fresh air, and you knew that	24	A. That's correct.
	Page 19		Page 21
1	water and fresh air were not provided, correct?	1	Q. And the gas island is illuminated by six
2	A. Well, it -- they're supposed to be	2	halogen lamps, correct?
3	provided after the scene is stabilized. And the	3	A. That is correct.
4	scene, in my opinion, was never stabilized.	4	Q. And the cruiser itself had its lights on?
5	Q. At the time you placed Roger Owensby in	5	A. I don't know if the lights were on or off.
6	the back seat of the Golf Manor cruiser with the	6	They weren't -- the interior lights were not on.
7	windows up, he had not been provided with water or	7	Q. There was no dome light on; is that what
8	fresh air, correct?	8	you're saying?
9	A. I thought there was plenty of fresh air	9	A. That's correct.
10	inside the cruiser.	10	Q. But there were lights from the -- from the
11	Q. Had you provided him with water?	11	top of the car that were on?
12	A. No, I had not.	12	A. I don't recall if there were lights on or
13	Q. And when you placed him or walked him	13	off on top of the cruiser.
14	toward the cruiser, you knew that he had several	14	MR. MARTINS: Let me have the tape.
15	lacerations on his face?	15	Q. I'm going to show you -- I'm going to show
16	A. No, I did not.	16	you, sir, what has previously been marked as
17	Q. How far away were you from Mr. Owensby's	17	Exhibit 20. This is the video of -- from Officer
18	face as you escorted him to the cruiser?	18	Spellen's car.
19	A. I would put us at shoulder distance -- we	19	(Videotaped played.)
20	were shoulder to shoulder essentially, as I walked	20	Q. I'm pausing it here. You can see the gas
21	him towards the cruiser.	21	island with the halogen lamps at the top, correct?
22	Q. And while you were doing this, as I	22	A. That's correct, about 20 feet away.
23	understand your prior testimony, you were commanding	23	Q. Well, we're not up to the car yet.
24	him to put his feet down, right?	24	A. No.

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1 looked at his ID and the conversation was along the
 2 lines of I see you live in Reading; what brings you
 3 down here?

4 And he said, "I bought -- this is where I
 5 come to get my marijuana. And I'll show you where
 6 if you'll let me go with a" -- what's referred to as
 7 a weed ticket.

8 Q. What -- clarify, what's a weed ticket?

9 A. It's a \$100 payout citation for a minor
 10 misdemeanor, marijuana possession.

11 Q. Which is what he would have received
 12 anyway?

13 A. Oh, I -- I'm not -- you're going to have
 14 to speak with Officer Hasse with regard to the
 15 charges. I think Officer Hasse originally also
 16 wanted to charge him with criminal trespassing, but
 17 I'm not sure.

18 Q. Okay.

19 A. I'm not sure.

20 Q. All right. Please continue.

21 A. So he was willing to show us where he'd
 22 make a buy. I guess the -- the idea was we wanted
 23 to see if police officers could make a buy, and
 24 proceed with possibly a trafficking investigation,

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1 A. At that point Off-- I -- I told what
 2 Offic-- Officer Jorg and Officer Sellers -- I
 3 believe Officer Hunter had arrived at that -- at
 4 that point also.

5 I said, "This is what we got. The
 6 Mini-Tac Unit's interested in talking to these --
 7 this guy. I guess we've just got to stand by and
 8 wait for the continuing investigation."

9 At that point or at some point --

10 Q. Sorry. While you're waiting, had Officer
 11 Hasse -- did you already hand him the NTA book?

12 A. Yes. He already had it.

13 Q. He had that. And had he -- if you recall,
 14 had he already written out the citation?

15 A. I don't know.

16 Q. Okay. Sorry. Continue.

17 A. It's at that point Officer Hunter pointed
 18 at an individual crossing Seymour Avenue, I'd say
 19 about 50 yards away, roughly up here on the map.

20 Q. Would you draw on the map a line
 21 indicating the path of the person across Seymour
 22 Avenue, and putting the letter A next to that.

23 A. Again, I would have estimated the distance
 24 at 50 yards. On this map I don't know what 50 yards

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1 which was essentially out of my league. Uniformed
 2 officers have a real difficult time walking up to a
 3 drug house and trying buying drugs.

4 So I -- that's when I used my cell phone
 5 to call our Mini-Tac Unit, and I spoke with Officer
 6 Lawson, told him what we had. He spoke with his
 7 partner, Officer Hodge. They indicated they were
 8 interested in interviewing this suspect, they would
 9 come up and -- they would come up and meet us and
 10 talk to him.

11 Q. Let me ask you, is there a reason, a
 12 tactical reason or otherwise, why you made that call
 13 on your private phone as opposed to using the --
 14 either the mike or the MDT in your car?

15 A. Well, it was a fairly extensive
 16 conversation, and you want to use short
 17 transmissions over your radio. You don't want to
 18 tie up the radio with conversation --

19 The Mini-Tac Unit doesn't have an MDT,
 20 because they are undercover officers and they work
 21 in undercover cars. It was just more convenient
 22 just to give them a call, District 4, for -- to
 23 expedite the matter.

24 Q. All right. Continue.

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1 would be, so...

2 Q. All right. But it's approximately half a
 3 football field?

4 A. Approximately half a football field.

5 Q. And where were you at this time?

6 A. Basically here (indicating).

7 Q. Okay. Would you mark that with a C for
 8 Caton.

9 A. (Witness complies.)

10 Q. Thank you. So you saw the person going
 11 across the street. Did you think anything of it?

12 A. Well, he was -- to me he was little bit
 13 more than a shadow. Again, it -- it -- it was dark
 14 out there and the only light that I could see was
 15 a -- a passing vehicle. And I got little more than
 16 a silhouette of the individual.

17 I -- I could see that it was a medium-
 18 sized man, I suspected, but that -- beyond that, it
 19 wasn't until he got into the well-lit area of the
 20 Sunoco lot that I could make out any details, and at
 21 that point it really wasn't many more details.

22 Now, Officer Hunter had said, when he
 23 commented, when he pointed at it -- at -- at -- at
 24 him, he said, "I think that's LA."

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<p style="text-align: right;">Page 138</p> <p>1 you told him, We kicked his ass, or I guess his 2 version is, We beat the shit out of him. One of 3 those two statements was made?</p> <p>4 A. That's right.</p> <p>5 Q. Correct? After that statement was made, 6 what happened?</p> <p>7 A. I got in my car and we returned back to 8 the scene, as you see me in the videotape rolling up 9 on the scene.</p> <p>10 Q. Okay. Officer Hasse also gets in his car 11 and brings his car over?</p> <p>12 A. That's correct.</p> <p>13 Q. What happens after that?</p> <p>14 A. Officer Hodge approaches me and asks me if 15 I had any alcohol rub in the cruiser or in my gear. 16 And I said, "Why?"</p> <p>17 And he said, "Because Blaine has some 18 blood on him."</p> <p>19 And I said, is he hurt, or something to 20 that effect.</p> <p>21 And he said, "No, I -- we're not sure 22 where the blood came from."</p> <p>23 And when he asked me for the alcohol rub, 24 that -- that's consistent with a ground struggle.</p>	<p style="text-align: right;">Page 140</p> <p>1 And I said, "He said his name was Roger 2 something, but I can't recall."</p> <p>3 He said, "Well, let's begin there." And 4 that's when we approached the Golf Manor cruiser.</p> <p>5 And he looked in the passenger -- or the 6 driver's side rear door and realized that he wasn't 7 moving, and he opened -- he opened the door and 8 started to lean in.</p> <p>9 And I stopped him. I said, "Sarge, be 10 careful. He might be playing possum," indicating 11 from experience when you have a violent prisoner 12 sometimes they'll try and lure you back in the car 13 so they can hurt you.</p> <p>14 And he said "No, Pat, I don't think that 15 guy's breathing." And we shined the flashlight in 16 and we realized he was actually not breathing. And 17 that's when we began the process of getting him out 18 of the car.</p> <p>19 Q. This is from the driver's side?</p> <p>20 A. The driver's side.</p> <p>21 Q. So his head would have been toward you and 22 his feet would have been away from you?</p> <p>23 A. That's correct.</p> <p>24 Q. Did -- okay. What -- what happened next?</p>
<p style="text-align: right;">Page 139</p> <p>1 You know, we quite fre-- I had scuffs on my hands, 2 and it was used to clean hands. I -- you see me go 3 back to the trunk of my car where I normally carry 4 it, open it up and check my seat out bag, which 5 is --</p> <p>6 Q. I'm sorry?</p> <p>7 A. The seat out bag. It's the gear bag that 8 police officers carry with all their equipment in 9 it.</p> <p>10 And I didn't have any left, and that's 11 when I guess Officer Hodge went on to try to secure 12 some from some other officer.</p> <p>13 At that point I realized Sergeant Watts 14 was on scene and I approached Sergeant Watts. This 15 would be after Victor had just driven away, Officer 16 Spellen had just driven away. And he was standing 17 on the opposite side of the Golf Manor car, on the 18 driver's side of the Golf Manor car.</p> <p>19 And I walked up to him and I said, "Hey, 20 Sarge, I got to tell you what happened here." And I 21 began to tell him, "We approached this" -- tell the 22 story in chronological order. And he stopped me 23 after a few seconds and said, "Start at the 24 beginning. What's this guy's name?"</p>	<p style="text-align: right;">Page 141</p> <p>1 A. That's where we began today. That's when 2 I looked up. And the first person I saw was Officer 3 Hasse, where I -- I had known from talking to him 4 that he -- he was an EMT before he was a cop.</p> <p>5 I said, "Do you have any rubber gloves?"</p> <p>6 He said, "Yeah."</p> <p>7 "You got an extra pair?"</p> <p>8 "Yes."</p> <p>9 "Glove up. Let's get this guy out of the 10 back seat of the car," and then we began the CPR 11 procedures on him.</p> <p>12 Q. When you got him out of the back seat of 13 the car, did you take him out from the driver's side 14 or from the passenger's side?</p> <p>15 A. From the passenger's.</p> <p>16 Q. So you came around, opened the door?</p> <p>17 A. Right.</p> <p>18 Q. How was Mr. Owensby situated in the back 19 seat of the car?</p> <p>20 A. His position had changed from when I saw 21 it last. When I came back and saw it now, he had 22 been -- he was rolled over on his back and his head 23 was pinned at like an angle between -- I want to say 24 between his shoulder and the back of the seat.</p>

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1 Q. When you left him, he was on his left 2 shoulder?	1 A. That's correct.
3 A. He was face down essentially, with his 4 head turned towards the front seat of the cruiser, 5 with one foot on the floor and one foot underneath 6 him.	2 Q. How much time elapsed before the fire 3 rescue unit showed up?
7 And I'm -- I'm very specific about that, 8 because I truly thought all he would have to do is 9 put his left foot down on the floor and rock up into 10 a seated position. That's why I exited the car as 11 quickly as I could.	4 A. I don't know.
12 Q. So he -- excuse me. He was -- when you 13 first put him in the car, he was -- both of his 14 shoulders were down, he was face down with his face 15 to the right?	5 Q. When the fire rescue unit shows up, they 6 take over performing CPR, correct?
16 A. Essentially like this (demonstrating) with 17 his -- he would have been looking over his right 18 shoulder towards the front -- out the front of the 19 car.	7 A. Yes.
20 Q. All right. And when you opened the door 21 with Sergeant Watts, how was he positioned?	8 Q. Were you the person that took off the 9 handcuffs?
22 A. He was rolled over on his back with his 23 head -- would have been on -- like his ear against 24 his right shoulder, with his head pressed into the	10 A. Yes, I was.
1 back of the seat.	11 Q. After you removed the handcuffs on Mr. 12 Owensby, did you have any other contact with Mr. 13 Owensby?
2 Q. So his -- was his right shoulder against 3 the back seat?	14 A. No, I did not.
4 A. Yes.	15 Q. Where did you go after removing the 16 handcuffs?
5 Q. And his head was pressed toward the right?	17 A. Well, I -- I stayed in the immediate 18 vicinity, at that immediate -- immediate vicinity, 19 right around -- like I said, we witne-- I did 20 witness the material come out of his mouth.
6 A. It was off to the right, with the -- 7 which -- the top of his head against the back of the 8 seat.	21 And the supervisors, who took charge of 22 the scene by that point, were basically realizing 23 that this was becoming a critical incident. And the 24 procedure with regard to critical incidents is to
9 Q. Was the rest of his body -- was he laying 10 on his back at that time or was his body still --	Page 143
11 A. I would say his shoulders --	1 separate all the officers and witnesses concerned.
12 Q. -- kind of twisted around?	2 So I was directed to -- basically Sarge 3 said, "Go ahead and climb in that cruiser. Just 4 wait until -- don't talk to anybody. Just wait 5 until we come -- come get you." And that cruiser, 6 it turned out to be Sergeant Julie Shearer's.
13 A. It -- it -- it -- it was kind of twisted 14 around. I would say his shoulders were now flat 15 against the back of the seat, with his head twisted 16 and his -- and his -- his hands were underneath him.	7 Q. Do you know how far the cruiser was from 8 where Mr. Owensby was?
17 Q. I think you said when you placed him in 18 the car, his right foot was on the floor?	9 A. The one that I was in?
19 A. Correct.	10 Q. Yes.
20 Q. Was his right foot still on the floor, if 21 you -- if you recall?	11 A. As I recall, her cruiser was parked along 12 the side here of the store -- the Sunoco lot, and 13 Mr. Owensby was -- was somewhere in this vicinity 14 here where the fire engine was -- where the crew was 15 working on him (indicating).
22 A. I don't -- I don't know.	16 Q. Draw a rectangle for what you -- where you 17 recall Sergeant Shearer's car being, on, I guess -- 18 What exhibit is that, 32?
23 Q. And then at that point you began CPR with 24 Officer Hassc, correct?	19 A. 31.
	20 Q. 31. Okay. We'll just make another copy 21 of it.
	22 And put, in the rectangle, SH for Shearer.
	23 A. (Witness complies.)
	24 Q. And then if you would draw a circle with

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17:00:39 1 MR. HARDIN: Caton.
17:00:39 2 VIDEOPHAGER: Sorry. Mr. Caton, you have
17:00:39 3 a right to review this videotape deposition
17:00:39 4 prior to its being shown to a court or jury.
17:00:39 5 Will you waive that right?

17:00:39 6 THE WITNESS: No.

17:00:40 7 VIDEOPHAGER: We're off the record. The
17:00:42 8 time showing is 5:04 p.m.

17:00:42 9 MR. MARTINS: I take it you also want
17:00:49 10 signature on the deposition?

17:00:51 11 MR. HARDIN: Yes. Yes.

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PATRICK EDMUND CATON

(Deposition concluded.)

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